

# COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, JUNE 3, 2015

8:45 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHUʻE, KAUAʻI, HAWAII 96766

RECEIVED

## A. MEETING CALLED TO ORDER.

'15 MAY 28 P1:34

## B. ROLL CALL.

OFFICE OF  
THE CLERK

## C. APPROVAL OF AGENDA.

## D. MINUTES of the following meetings of the Council:

1. February 6, 2015 Facilitated Shared Priorities Workshop  
*(Deferred May 19, 2015)*
2. April 22, 2015 Public Hearing re: Bill No. 2584, and Bill No. 2585
3. April 22, 2015 Council Meeting
4. May 27, 2015 Public Hearing re: C 2015-155

## E. CONSENT CALENDAR:

1. C 2015-155      Communication (05/07/2015) from the Mayor, submitting his supplemental budget communication for Fiscal Year 2015-2016 and proposed amendments to the budget bills, pursuant to Section 19.02A of the Kauaʻi County Charter. *(Public Hearing held May 27, 2015.)*
2. C 2015-160      Communication (05/12/2015) from Councilmember Kualii and Councilmember Yukimura, transmitting for Council consideration, a Resolution Urging Hawaiʻi's Congressional Delegation To Address Excessive Campaign Spending By Proposing And Passing Amendments Clarifying That Corporations Are Not People With Constitutional Rights, In Particular Electoral Rights, And That Unlimited Campaign Spending Is Not Free Speech. *(See Resolution No. 2015-44)*

3. C 2015-161      Communication (05/12/2015) from the Council Chair, transmitting for Council consideration and confirmation, Council appointee Lawrence Chaffin, Jr., to the Kaua'i Historic Preservation Review Commission (At-Large) for the County of Kaua'i – Term ending 12/31/2015.  
*(See Resolution No. 2015-45)*
4. C 2015-162      Communication (05/13/2015) from Councilmember Chock, transmitting for Council consideration, a proposed draft Bill to amend Chapter 6, Article 13, Sections 13.1 and 13.2, Kaua'i County Code 1987, as amended, relating to the recovery of rescue expenses. The purpose of this Bill is to amend the definition of "Recoverable Expenses" to include fuel expenses relating to a rescue and clarify and align the language in Section 13.2 with Hawai'i Revised Statutes, Section 137-2.  
*(See Proposed Draft Bill (No. 2589))*

#### F. COMMUNICATIONS:

1. C 2015-163      Communication (05/11/2015) from the Executive on Aging, requesting Council approval to receive, and expend ACT 151 funds in the amount of \$134,077, for ongoing program costs for Better Choices Better Health and EnhanceFitness, and to indemnify the State Executive Office on Aging.
2. C 2015-164      Communication (05/19/2015) from the Mayor, requesting Council approval to accept a donation of one (1) original 1959 signed Constitution of the State of Hawai'i from Lawrence Bowman and Family, valued at \$30,000, which will be displayed in the Office of the Mayor.
3. C 2015-165      Communication (05/22/2015) from Hawai'i State Association of Counties (HSAC) President, transmitting for Council approval, the proposed Board of Directors for the 2015-2016 term, pursuant to Section 5, Section 5A and Section 5C of the Bylaws of the HSAC, Inc., which was approved at the May 22, 2015 HSAC Special Executive Committee Meeting:
1. NACo Board of Directors
    - KipuKai Kualii, Kaua'i County Council
    - J. Ikaika Anderson, Honolulu City Council
  2. WIR Board of Directors
    - Mike White, Maui County Council
    - Danny Paleka, Hawai'i County Council

G. LEGAL DOCUMENT:

1. C 2015-166      Communication (05/27/2015) from the Life's Choices Kaua'i Coordinator, recommending Council approval of a Right-of-Entry Agreement between the County of Kaua'i and the Grove Farm Company, Inc., to conduct inspections, perform surveys, prepare studies, and to complete any other necessary tasks to accomplish compliance with State, County, and Federal rules and regulations prior to obtaining land use entitlements (the "assessment"), situated at Tax Map Key (TMK) No. (4) 3-8-002:001 (the "Grove Farm Lot"), and a Memorandum of Understanding for the dedication of approximately five (5) acres for a Treatment and Healing Services Center off Ma'alo Road *mauka* of Hanamā'ulu.
  - Right-of-Entry Agreement
  - Memorandum of Understanding

H. CLAIMS:

1. C 2015-167      Communication (05/15/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jacqueline Lucidarme Yasutake, for veterinary expenses, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. C 2015-168      Communication (05/19/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Julia Evans, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. C 2015-169      Communication (05/19/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by James Scott Pellegrine, for property loss, and personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2015-11:** on Bill No. 2571, Draft 1      A BILL FOR AN ORDINANCE ESTABLISHING PROCEDURES, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE LIHU'E PLANNING DISTRICT [Approved Bill No. 2571, Draft 1, with amendments made to the Līhu'e Community Plan Booklet (currently dated 2014) as referenced in Bill No. 2571, Draft 1.]

- b. **CR-PL 2015-12:** on Bill No. 2587 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS **[Approved as Amended.]**

## **2. BUDGET & FINANCE COMMITTEE:**

- a. **CR-BF 2015-18:** on BF 2015-02 Communication (05/18/2015) from Budget & Finance Committee Chair Kaneshiro, transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheet) to the Mayor's Fiscal Year 2015-2016 Annual Operating and Capital Improvement Projects Budgets. **[Received for the Record.]**
- b. **CR-BF 2015-19:** on Resolution No. 2015-26 RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 FOR THE COUNTY OF KAUAI **[Approved.]**
- c. **CR-BF 2015-20:** on Bill No. 2582 A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 (*Fiscal Year 2015-2016 Operating Budget*) **[Approved as Amended.]**
- d. **CR-BF 2015-21:** on Bill No. 2583 A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 (*Fiscal Year 2015-2016 CIP Budget*) **[Approved as Amended.]**

## **J. RESOLUTIONS:**

1. Resolution No. 2015-26 – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 FOR THE COUNTY OF KAUAI (*See also BF 2015-19; the Budget & Finance Committee approval on May 27, 2015.*)

2. Resolution No. 2015-44 – RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO ADDRESS EXCESSIVE CAMPAIGN SPENDING BY PROPOSING AND PASSING AMENDMENTS CLARIFYING THAT CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS, IN PARTICULAR ELECTORAL RIGHTS, AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH

3. Resolution No. 2015-45 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Lawrence Chaffin, Jr., – At-Large*)

K. BILL FOR FIRST READING:

1. Proposed Draft Bill (No. 2589) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 13, SECTIONS 13.1 AND 13.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE RECOVERY OF RESCUE EXPENSES

L. BILLS FOR SECOND READING:

1. Bill No. 2571, Draft 1 – A BILL FOR AN ORDINANCE ESTABLISHING PROCEDURES, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE LIHU'E PLANNING DISTRICT (*See also CR-PL 2015-11; the Planning Committee recommended approval of Bill No. 2571, Draft 1 on second and final reading, with amendments made to the Lihu'e Community Plan Booklet (currently dated 2014) as referenced in Bill No. 2571, Draft 1.*)

2. Bill No. 2582, Draft 1 – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 (*Fiscal Year 2015-2016 Operating Budget*) (*See also CR-BF 2015-20; the Budget & Finance Committee recommended approval as amended to Bill No. 2582, Draft 1 on May 27, 2015.*)

3. Bill No. 2583, Draft 1 – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 (*Fiscal Year 2015-2016 CIP Budget*) (*See also CR-BF 2015-21; the Budget & Finance Committee recommended approval as amended to Bill No. 2583, Draft 1 on May 27, 2015.*)

4. Bill No. 2587, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS (*See also CR-PL 2015-12; the Planning Committee recommended approval as amended to Bill No. 2587, Draft 1 on May 27, 2015.*)

M. EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

1. ES-801 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing and request authority for settlement as it relates to Defendant Shaylene Iseri (in her individual capacity) in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
2. ES-802 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing and request authority for settlement as it relates to Defendant Sheilah Miyake (in her individual capacity) in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
3. ES-803 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to request approval of a proposed settlement regarding United States Equal Employment Opportunity Commission ("EEOC") Charge Nos. 486-2013-00066, 486-2013-00345, present a proposed settlement offer in EEOC Charge Nos. 486-2013-00005 and 486-2013-00342, and provide a briefing on EEOC Charge Nos. 486-2013-00047 and 486-2013-00343 concerning the County of Kaua'i, Kaua'i Police Department, and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

4. ES-804 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing regarding Association of Apartment Owners of Kulana vs. Travelers Casualty and Surety Company of America; County of Kaua'i (Civil No. 12-0027) and related Cross-claims and Counterclaims, as well as a request for approval of a proposed tax compromise for the Association of Apartment Owners of Kulana Condominium. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

N. ADJOURNMENT.

- O. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHUʻE, KAUAʻI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

\*TO VIEW MEETINGS, MEETING ARCHIVES, OR TO DOWNLOAD/ACCESS AGENDA ATTACHMENTS, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).